

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

RECEIPT # _____
 AMOUNT \$ 150.00
 SUMMONS ISSUED W/A
 LOCAL RULE 4.1 _____
 WAIVER FORM _____
 MCF ISSUED _____
 BY DPTY. CLK. PM
 DATE 12-31-03

VIRGINIA G. KEEFE, Individually
 And as Administratrix of the Estate
 Of JOHN P. KEEFE, III
 Plaintiff,

v.

MONUMENTAL LIFE INSURANCE
 COMPANY
 Defendant.

2003 DEC 31 A 9 04

U.S. DISTRICT COURT
DISTRICT OF MASS.

03-12651 MLW

MAGISTRATE JUDGE Collins**PETITION FOR REMOVAL**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS:

The defendant, Monumental Life Insurance Company ("Monumental"), files this Petition for Removal pursuant to 28 U.S.C. §1446(a), and respectfully submits that:

1. Monumental has been served with the Complaint and Summons in the matter entitled *VIRGINIA G. KEEFE, Individually And as Administratrix of the Estate Of JOHN P. KEEFE, III v. MONUMENTAL LIFE INSURANCE COMPANY*, Norfolk County Superior Court, Civil Action No. 2003-01678. A true, accurate and complete copy of the Civil Action Cover Sheet, Complaint and Summons are attached hereto as Exhibit "A." The Complaint constitutes all process, pleadings and orders served upon Monumental in this matter to date.

2. Removal to the United States District Court for the District of Massachusetts in Boston is appropriate as (1) the United States District Court has original jurisdiction over the action, and (2) the United States District Court for the District of Massachusetts, Eastern Section embraces the place, i.e., Norfolk County, where the action is pending. 28 U.S.C. §1441(a).

3. Original jurisdiction is based upon the diversity of citizenship of the parties. Plaintiff, Virginia Keefe, individually and as the administratrix of the estate of John P. Keefe, III,

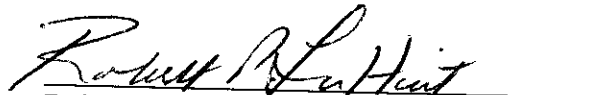
is a resident of Norfolk County, Commonwealth of Massachusetts. Monumental is a corporation duly organized under the laws of the State of Maryland. Furthermore, the amount in controversy is expected to exceed the value of \$75,000, inasmuch as the plaintiff has alleged in the Civil Action Cover Sheet filed with her Complaint that Monumental owes her \$164,000.00 dollars pursuant to a mortgage accidental death policy.

Promptly after the filing of this Petition for Removal, a copy of the Petition will be filed with the Clerk of Courts for the Norfolk County Superior Court, and all adverse parties will receive written notice of the filing of this Petition for Removal.

WHEREFORE, the defendant, Monumental prays that this action be removed from the Norfolk County Superior Court to the United States District Court for the District of Massachusetts.

**MONUMENTAL LIFE INSURANCE
COMPANY,**

By Its Attorney,



Robert P. La Hait

BBO #551000

FITZHUGH, PARKER & ALVARO, LLP

155 Federal Street, Suite 1700

Boston, MA 02110-1727

(617) 695-2330

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2003 I have served the above *Petition for Removal* upon all counsel of record listed below by regular mail, postage prepaid.

Janet Sesnovich, Esq.
34 School Street, Suite 203
P.O. Box 439
Foxborough, MA 02035


Robert P. La Hait